

eligible for any superior court judgeship except that the lawyer who is appointed must be a resident at the time of his appointment.

DELEGATE MUDD: Of the political subdivision in which the vacancy occurs.

DELEGATE WILLONER: Is there another question in section 5.16. In the telephone conversations you had with people in Missouri, it seemed a rather appealing idea that the terms of the members of the commission overlapped so that if a commission member resigned or died, one of the others could be appointed for another full term.

Do you contemplate that the terms of the members of the appellate nominating commission would be handled in the same manner so they would not all be appointed at the same time and if anybody resigned, they would only serve out the balance of the term?

DELEGATE MUDD: That was the feeling in our Committee although, of course, these commissions must be inaugurated initially for the same terms.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: In 5.16 why did you feel it was not necessary to state the term of the commission member and leave it to the legislature? Why did you use the distinction between the two procedures?

DELEGATE MUDD: Well, because we are dealing there with nominations to fill vacancies in districts to be set up by the legislature. It just seemed a more orderly procedure in setting up districts that number and composition of the commissions and the term should be as prescribed by the legislature.

DELEGATE WILLONER: Thank you.

THE CHAIRMAN: Are there any other questions? Delegate Beall.

DELEGATE BEALL: Mr. Chairman, in section 5.13, as I understand it, it says that the Committee must appoint and nominate two but not more than five members as candidates for a vacancy, is that correct?

DELEGATE MUDD: Correct.

DELEGATE BEALL: Suppose the governor does not want to appoint any one of those five? What recourse does he have?

DELEGATE MUDD: None.

DELEGATE BEALL: None. Do you know whether in recent years in Maryland if there are now sitting on the bench any lawyers whom the Bar Association did not recommend?

DELEGATE MUDD: You say did that happen?

DELEGATE BEALL: Has it happened in your memory?

DELEGATE MUDD: The testimony before our Committee was to the contrary that only in one instance had a judge been appointed who was not on a current list and in that instance the appointee had been on a list previously submitted for another vacancy.

THE CHAIRMAN: Delegate Beall.

DELEGATE BEALL: Then he was on some list?

DELEGATE MUDD: Yes.

DELEGATE BEALL: Is there only one, I ask this as a layman because I do not know, is there only one group or are there several groups of lawyers who are in organizations?

DELEGATE MUDD: Yes.

DELEGATE BEALL: Would there be only one group to submit this name?

DELEGATE MUDD: Under our proposal there would be only one nominating commission.

DELEGATE BEALL: How are they named?

DELEGATE MUDD: It is all detailed here.

DELEGATE BEALL: The president of the Maryland Bar Association names a nominating committee?

DELEGATE MUDD: No.

DELEGATE BEALL: Who does?

DELEGATE MUDD: The governor appoints two of them and two are elected from lawyers of the state.

DELEGATE BEALL: From all the lawyers or just from the organization?

DELEGATE MUDD: All the lawyers.

DELEGATE BEALL: All five thousand some odd?

DELEGATE MUDD: Yes.